

ESTTA Tracking number: **ESTTA333486**

Filing date: **02/22/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91191906
Party	Defendant Shawn T. Drayton
Correspondence Address	SHAWN T. DRAYTON 2 GRACE COURT 2-O BROOKLYN, NY 11201 UNITED STATES mswyers@TheTrademarkCompany.com
Submission	Motion to Extend
Filer's Name	Matthew H. Swyers
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Signature	/Matthew H. Swyers/
Date	02/22/2010
Attachments	Motion for Extension of Time to File Answer WITH CONSENT 3.pdf ( 4 pages ) (17933 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
The Trademark Trial and Appeal Board**

In the matter of Ser. No. 77545481,  
For the mark OSLOH 2008,

Retail Royalty Company,

Opposer,

vs.

Drayton, Shawn T.,

Applicant.

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Opposition No. 91191906

**MOTION FOR AN EXTENSION OF TIME TO ANSWER WITH CONSENT**

Applicant, Shawn T. Drayton, (hereinafter “Applicant”), by counsel, hereby files the instant Motion for an Extension of Time to Answer the Notice of Opposition filed in the above-referenced matter until March 23, 2010. In support of the instant motion Applicant states as follows:

**Statement of Facts**

1. The instant opposition proceeding was instituted by Retail Royalty Company on or about September 14, 2009.
2. Applicant did not retain counsel until close to the end of the original date to file its Answer, namely, October 24, 2009.
3. In this regard, Applicant’s counsel originally contacted counsel for Retail Royalty Company to request additional time in which to file its answer and also to consider options in regard to settling the matter in lieu of proceeding forward with litigation.

4. Opposer's counsel graciously provided the requested consent and Applicant, by counsel, filed for and received a 30-day extension in which to file its answer or until November 23, 2009.

5. During this additional time Applicant considered its options, defenses, and otherwise and contacted opposing counsel to determine what, if any, avenue for resolution of the instant matter could be considered.

6. Resolution had yet to be reached although settlement discussions were ongoing requiring Applicant to request an additional 30-day extension to further settlement discussions with the Opposer. The motion was filed and the dates reset for the Answer to December 23, 2009.

7. A subsequent motion was filed and granted resetting the date to answer to January 23, 2010. Thereafter another motion was filed and granted allowing the Applicant until February 23, 2010 to Answer.

8. The full and final settlement agreement for this matter has now been executed by both parties and will be concluding this matter within two weeks.

### **Motion**

The time for filing an answer may be extended on motion granted by the Board for good cause shown. *See* TBMP §§ 310.03(c), 509.01(a). A motion to extend must set forth with particularity the facts said to constitute good cause for the requested extension. *See* TBMP § 509.01(a).

In the instant case, Applicant seeks additional time to complete the resolution of this matter requiring only the signature of one additional party to on an agreement to finalize the same.

This request is not being sought to delay the proceedings herein.

***Opposer's consent was sought for the instant motion and was provided.***

### **Conclusion**

WHEREFORE for good cause shown Applicant Shawn T. Drayton, by counsel, prays that it be granted an extension of time to file its answer in this matter until **March 23, 2010**.

Respectfully submitted this 22<sup>nd</sup> day of February, 2010.

The Trademark Company, PLLC

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Opposition No. 91191906

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served  
via agreement through email upon the following this 22<sup>nd</sup> day of February, 2010:

Amanda McCoy, Esq.  
Kilpatrick Stockton LLP  
31 West 52nd Street  
New York, NY 10019

/Matthew H. Swyers/  
Matthew H. Swyers